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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,112	01/28/2004	Norman G. Blackburn	24049.00	9696

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EXAMINER

REESE, DAVID C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/765,112

**Applicant(s)**

BLACKBURN, NORMAN G.

**Examiner**

David C. Reese

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

- [1] Claims 1-9 are pending.

### *Claim Rejections - 35 USC § 102*

- [2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- [3] Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruns et al., US, 6,475,094.

Bruns et al. teaches of a product having ultra high molecular weight plastic parts that includes bolt, a cap screw, and a reinforcing member.

As for Claim 1, Bruns et al. teaches of an assembly, comprising:

(a) a screw (251 in Fig. 48) having a head (252) and a shank (251) extending from the head (252), the screw being dimensioned and configured for attaching a license plate to an automobile bumper (the dimensions and configurations, including the threaded structure of the screw make it able to be attached a license plate to an automobile bumper);

(b) a washer (259 in Fig. 48 and 50) disposed on the shank below the head of the screw (as shown in Fig. 48); and

(c) a cushion cap (257) having a centrally aligned hollow shaft (shaft surrounding 253 in Fig. 45 and 48), the cap being permanently attached to the washer (Fig. 48) and covering the head of the screw (Fig. 48), the hollow shaft being aligned above the head (253 in Fig. 48 and 49) of the screw in order to allow a screw driving device to pass through the shaft and engage the head of the screw (253 in Fig. 48 and 49) for fastening the license plate to the bumper.

As for Claim 5, Re: Claim 1, Bruns et al. teaches of an assembly wherein the screw is a flathead screw (252 in Fig. 48), the head having a tapered bottom surface forming a countersink (the screw head as shown in Fig. 48), washer having a countersunk bore defined therein corresponding to an mating with the bottom surface of the head of the screw (the washer 259 and its relationship with the head of the screw 252 as shown in Fig. 48).

As for Claim 6, Bruns et al. teaches of an assembly, comprising:

(a) a screw having a flat, extended head (251 in Fig. 48) and a shank (251) extending from the head (252), the screw being dimensioned and configured for attaching a license plate to an automobile bumper (the dimensions and configurations, including the threaded structure of the screw make it able to be attach a license plate to an automobile bumper); and

(b) a cushion cap (257) having a centrally aligned hollow shaft (shaft surrounding 253 in Fig. 45 and 48), said cap being permanently attached to the head of the screw (Fig. 48), the hollow shaft being aligned above the head (253 in Fig. 48 and 49) of the screw in order to allow a screw driving device to pass through the shaft to engage the head of the screw (253 in Fig. 48 and 49) for fastening the license plate to the bumper.

***Claim Rejections - 35 USC § 103***

[4] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[5] Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruns et al. US-6,475,094 in view of design choice (see below).

Bruns et al. teaches of Claims 1, 5, and 6.

However, Bruns et al. fails to disclose expressly that the material or cap encompassing the screw and washer assembly is made of a transparent material.

It would have been an obvious matter of design choice to modify the assembly by constructing the cap of a transparent material, since applicant has not disclosed that constructing the cap of a transparent material solves any stated problem or is of any particular purpose and it

appears that the assembly would perform equally well with the plastic, a UHMWPE molded body, as stated in Burns et al.

[6] Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruns et al. US-6,475,094 in view of Borgen US-3,484,891.

Bruns et al. teaches of claims 1, 5, and 6.

However, Bruns et al. fails to disclose expressly that the material or cap encompassing the screw and washer assembly is made from neoprene.

Borgen teaches of a Doorstop device that possesses a cap as shown in 17 in Fig. 3 of Borgen, which happens to be made from neoprene or like material (Part 2, line 27, stating, "The resilient member 17, formed from neoprene or like material").

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the material or cap encompassing the screw and washer assembly as taught by Bruns et al., to be made from neoprene or like material taught by Borgen, in order to create another embodiment of cap that is a resilient member, such as a synthetic rubber, that will provide a cushion for possible force being applied as in the case with the door stop. The neoprene material comprising the cap of the doorstop is present to, as Borgen states, "prevent damage thereto by the doorknob of a swinging door." This same type of reasoning can be applied to the assembly as provided by Burns et al.; as having the exterior cap of the assembly comprised of rubber will present an assembly that possesses the ability to deter damage to itself and other entities it may come in contact with.

[7] Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruns et al. US-6,475,094 in view of Hughes US-4,136,598.

Bruns et al. teaches of claims 1, 5, and 6.

However, Bruns et al. fails to disclose expressly that the molded cap possesses tapered protrusions, corresponding with a plurality of tapered holes within its washer structure.

Hughes teaches of a snap-on cap and washer assembly.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the screw and washer assembly as taught by Bruns et al., to incorporate tapered protrusions from the cap (32 in Fig. 1), and corresponding tapered holes for the washer (holes in the washer 22, where the cap protrusion is fitted within) as taught by Hughes, in order to create an environment where the washer is adapted to fixedly receive the cap thus giving way toward an additional protective and concrete connection between the assembly and other entities it may come in contact with.

### *Conclusion*

[8] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of assembly; as well as their extreme relevance to the current application: Spencer 6, 651, 651; Peak, 3,969,786; Wickenheiser, 5,941,567; Gutshall, 3,885,492; Bushey, 6,430,775; Simon, 6,295,697; Speck et al., 6,315,485; Medal, 5,122,021; Bruns, 6,676,351.

[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,  
David Reese  
Examiner  
Art Unit 3677



ROBERT J. SANDY  
PRIMARY EXAMINER